

# Zoning Regulation Amendment Request Form

Howard County  
Comprehensive Zoning Plan  
Department of Planning and Zoning

[Word 2007 Version]  
Before filling out this form, please read the  
Instructions section at the end of the form.

## A. Applicant Information

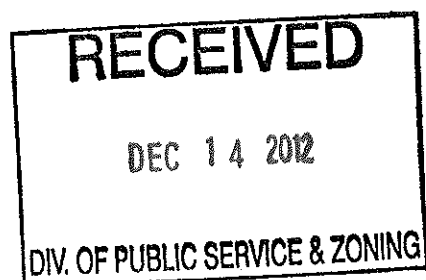
1	Applicant Name	LISA MARKOVITZ
2	Mailing street address or Post Office Box	2948 Normandy Dr.
	City, State	Ellicott City MD
	ZIP Code	21043
	Telephone (Main)	410 - 461-2249
	Telephone (Secondary)	
	Fax	443-288-0066
3	E-Mail	LMARKOVITZ@comcast.net

## B. Representative Information (If different than above).

4	Name	N/A
	Mailing street address or Post Office Box	
	City, State	
	ZIP	
	Telephone (Main)	
	Telephone (Secondary)	
	Fax	
	E-Mail	
5	Association with Applicant	

## C. Brief Description of the Requested Zoning Regulation Amendment

6 *the Regulations Amendments 1727.6*



**D. Explanation of the Basis / Justification for the Requested Zoning Regulation Amendment**

7

to better comply with Plan Hazard 2030 and the  
Route 40 Design Manual which governs TNC  
development.

**E. List of Attachments/Exhibits**

8

ZRA Petition

**F. Signatures**

9

Applicant

*Jim Veely*

Applicant (2)

Date

12/14/12

Date

☐

Additional applicant signatures? **X** the box to the left and attach a separate signature page.

10

Representative  
Signature

Date

<b>DPZ Use Only</b>		<b>Amendment No.</b>	
<b>Notes</b>			

## G. Instructions for the Comprehensive Zoning Plan Zoning Regulation Amendment Request Form

### General Instructions

This form was designed for use as a Microsoft Office Word 2007 document. It is preferred that these request forms be filled out using this Word version. If you want to fill out a hand-written (or typed) request form instead, print out this form and use it for that purpose.

To move between the table entry areas, you can Tab or Right Mouse Click. The table entry areas are formatted; do not alter this formatting.

The table areas within the form are "expandable", but if you cannot fit the information within the allotted space, mainly in Section C and Section D, you may include attachments as indicated in the instructions below.

Only paper request forms with original signatures will be accepted for processing (i.e., no email or faxed versions). When you submit the request form, please do not include these instruction pages.

**If you are proposing actual new text, either as an amendment to current text or as completely new text, that new text must be included as an attachment and must be the format that the new text is in CAPITALS and any current text to be deleted is in strike through.**



**THESE INSTRUCTIONS ARE KEYED TO THE ITEM NUMBERS TO THE LEFT OF THE AREAS TO ENTER INFORMATION.**

1 Applicant Name

1 Enter the applicant(s) name(s). If the applicant is a business entity of some type, enter the business entity name.

2 Enter the mailing address at which the applicant(s) will directly receive mail, and the telephone number(s) which can be used to directly contact the applicant(s). If the applicant is a business entity, also enter the appropriate contact person's name next to the telephone number(s).

3 Enter the email address(es) which can be used to contact the applicants(s). Although this entry is optional in consideration of those who may not use email, it is highly recommended that you provide this information if you do use email because email is a quick, effective, and relatively non-intrusive method of contacting applicants. If you are reluctant to provide a personal email address, please consider setting up an alternate email address for this purpose.

4 Enter the name and other contact information of the person officially representing the applicant(s), if applicable.

5 Enter the description of how the representative is associated with the applicant(s) (e.g., "Attorney", "Employee", "Designated Representative")

6 Enter a brief description of what is proposed with the requested Zoning Regulation Amendment. Examples of this are:

"To amend Section 131.N.6 of the Conditional Use regulations to add Frisbee Golf Courses as a new use in the Outdoor Athletic Facilities category", and

"To amend the Zoning Regulations to establish a new Zoning District called the CR (Commercial Redevelopment) Overlay District."

It is required that you provide a true summary statement on the form at a minimum. **Forms will not be accepted** if Section C. only includes a statement like "See attached supplement", "See attached exhibit" or similar. The purpose of this is to give persons an "at-a-glance" basic understanding of the request, without requiring an in-depth review of all the longer explanation details.

7 Enter an explanation of why you believe the requested new/amended regulation is more appropriate than the existing regulation(s) and/or the factors that you believe justify or recommend the requested new zoning regulation or are evidence of why the current zoning regulation is no longer suitable. Try to not expand the table beyond the space given. If you want or need to provide a longer explanation than can fit in the space given, enter the most concise explanation as you can, and then state "See the attached continuation". It is required that you provide a true summary statement on the form at a minimum. **Forms will not be accepted** if Section D. only includes a statement like "See attached supplement", "See attached exhibit" or similar. The purpose of this is to give persons an "at-a-glance" basic understanding of the justification, without requiring an in-depth review of all the longer explanation details.

- 8 If there are attachments or exhibits, enter a list of the items here in the format: 1. [Description of first attachment]; 2. [Description of second attachment]; etc. To save space, list across left-to-right, not as a table with each item on its own line. The purpose of this section is to have a list to check against the exhibits, in case an exhibit might become lost or misplaced. **Note: If you are proposing actual new text, either as an amendment to current text or as completely new text, Attachment No. 1 must be that proposed new text in the format described above.**
- 9 The applicant(s) must sign the request. Prior to printing the form and signing it, enter the name of the person signing at the top-left portion of the signature area:

9 Applicant Jane Doe

Please note that if the applicant is a business entity, this entry should be the name of the person authorized to sign on behalf of that entity, not the name of the entity. Then print the form and sign and date it in ink. (Remember, there is no need to print these instructions!) If your printer supports duplex printing (i.e., printing on both sides), print the form that way, otherwise, print as two pages. If there are more than two property owners of record, "X" the box as indicated and provide an attached page with any additional names and signatures.

- 10 If applicable, the person listed as the representative in Section B. signs and dates here.

#### Deadline for Submission

**Forms must be submitted no later than 5:00 p.m. on December 14, 2012.**

#### How to Submit the Form

To submit the form by mail or other delivery service, the address is:

**Ms. Cindy Hamilton, Chief  
Division of Public Service and Zoning Administration  
Department of Planning and Zoning  
3430 Court House Drive  
Ellicott City, Maryland 21043**

To submit the form in person, drop off at: **Zoning Service Counter, 1<sup>st</sup> Floor  
3430 Court House Drive  
8:00 a.m. to 5:00 p.m., M through F**

You can also send in a copy of the form by email to [compzoning@howardcountymd.gov](mailto:compzoning@howardcountymd.gov). As an alternate to the form, Zoning Regulation Amendment requests may also be in the format of a letter, provided that the information in Sections A through F is included.

#### If You Have Any Questions

Principal contact in the Division of Public Service and Zoning Administration:

Bob Lalush [compzoning@howardcountymd.gov](mailto:compzoning@howardcountymd.gov)

Secondary Contacts at same email address: Cindy Hamilton - Zan Koldewey - JJ Hartner

**Due to staff time constraints in conducting the Comprehensive Zoning process concurrently with the usual case load, email is the preferred method of communication. Phone messages can be left at 410-313-0500, but responses may be delayed at times. We apologize for any inconvenience caused by such a delay.**



**PETITION TO AMEND THE  
ZONING REGULATIONS OF  
HOWARD COUNTY**

**DPZ Office Use Only:**

**Case No. ZRA-\_\_\_\_\_**

**Date Filed:\_\_\_\_\_**

**1. Zoning Regulation Amendment Request**

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: lower the maximum density of residential development,  
lower the building height maximums in certain circumstances, raise the  
setback requirements from residential adjacent properties in certain  
circumstances, and require renovation of existing commercial space  
within the TNC parcel.

SEE ATTACHED SUPPLEMENTAL STATEMENT please.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

**2. Petitioner's Name** Lisa M. Markovitz

**Address** 2948 Normandy Drive Ellicott City MD 21043

**Phone No. (W)** 413-288-0062 **(H)** 410 461 2249

**Email Address** Lmarkovitz@comcast.net

**3. Counsel for Petitioner** N/A

**Counsel's Address** \_\_\_\_\_

**Counsel's Phone No.** \_\_\_\_\_

**Email Address** \_\_\_\_\_

**4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed** To adhere to the goals and requirements in  
PlanHoward2030, and The Route 40 Design Manual which governs  
TNC development. SEE ATTACHED STATEMENT please.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County SEE ATTACHED STATEMENT

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A. SEE ATTACHED STATEMENT

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s) . SEE ATTACHED STATEMENT

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more

than one property, yes or no? Yes

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

**SEE ATTACHED STATEMENT**

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. \_\_\_\_\_

**N/A**

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled

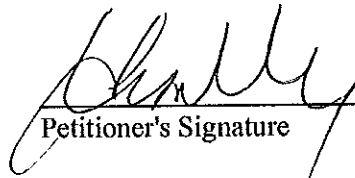
"Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in **[[ Double Bold Brackets ]]**. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

**After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.**

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

**Lisa M. Markovitz**

Petitioner's name (Printed or typed)



Petitioner's Signature

12/14/2012

Date

Petitioner's name (Printed or typed)

Petitioner's Signature

Date

Petitioner's name (Printed or typed)

Petitioner's Signature

Date

Counsel for Petitioner's Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

**FEE**



- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

PETITIONER: Lisa M. Markovitz

## AFFIDAVIT AS TO CONTRIBUTION

**As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850**

I, Lisa M. Macko, the applicant in the above zoning matter

\_\_\_\_\_, HAVE   X   HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Name: Shelly  
Date: 12/14/12



PETITIONER: Lisa M. Markovitz

**AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL**

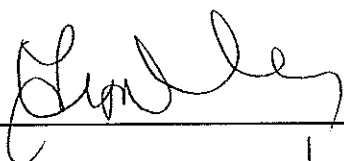
**As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850**

I, Lisa M. Markovitz, the applicant in the above zoning matter  
                    , AM X AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Name:   
Date: 12/14/12

## **Narrative in Support of Petition to Amend the Zoning Regulations of Howard County**

### **Response to Section 1**

The Petitioner proposes to amend Section 127.6 of the Howard County Zoning Regulations applicable to the TNC (Traditional Neighborhood Center) zoning district. The purposes of the proposed amendments are: 1) to reduce the maximum density of residential units to 8 units per net acre for parcels adjacent to residential properties, R-ED, R-20, R-12 or R-SC; 2) to permit increased maximum height restrictions for structures up to a maximum height of 65 feet provided 2 feet of additional setback above the minimum setback is provided for each foot of increased height above 55 feet for structures that do not abut residential lots for R-ED, R-20, R-12 or R-SC; 3) to increase the minimum setback from residential lots for R-ED, R-20, R-12 or R-SC from 100 to 150 feet. This increase in setback would not apply to parcels which have 60% or more adjacent property lines abutting residential properties of R-ED, R-20, R-12 or R-SC or a combination thereof; 4) to allow certain uses which will be subject to a new 30 feet structure and use setback of 30 feet except where adjacent to residential property of R-ED, R-20, R-12, or R-SC, said exception being eliminated for parcels which have 60% or more adjacent property of R-ED, R-20, R-12, or R-SC or a combination thereof; 5) to clarify that the minimum amounts of commercial development required per dwelling unit developed in the TNC zoning district if applied to existing commercial buildings within the TNC parcel, that those buildings must be renovated to comply with the same TNC building requirements as new buildings per the Route 40 Design Manual.

### **Response to Section 4**

The proposed amendments to TNC zoning regulations described above are being made to respond to the current and projected future market demands for commercial and residential development in the Route 40 corridor and developer needs to accommodate such while still protecting the greater community by allowing certain flexibility to developers as long as they also utilize property-value-preserving placement of development within the parcel. Certain flexibilities are proposed to assist developers who can benefit from the relaxed height restriction and setback needs while requiring buffering of neighboring parcels in a reasonable way.

### **Response to Section 5**

The requirement that existing commercial space be used to fulfill commercial to residential ratios, required in the TNC regulations, only if it is renovated according to the TNC requirements in the Route 40 Design Manual, is in harmony with the goal of the Route 40 Design Manual and PlanHoward 2030. The goal of PlanHoward 2030 policy 6.4 to "establish future job growth and business growth opportunities" and policy 6.4 to "update zoning and other regulations to address the evolving commercial and industrial markets and development trends" coincides with not just allowing new residences without commercial renovation, as keeping up with trends requires updated development of both types. This and the other proposed amendments specifically are in harmony with PlanHoward policy 5.9 Enhance Route 40 "...encourage commercial renovation and ...

redevelopment by promoting collaboration between owners and neighbors to create attractive focal points that serve the community.”

The amendments also are in harmony with PlanHoward 2030’s number one goal of smart growth and sustainability by requiring renovation and not allowing old buildings in TNC but requiring updated, green elements.

Under policy 5.9 Smart Growth - “Opportunities exist in select locations within both Existing Communities and Targeted Growth and Revitalization areas for well-designed, compact development that enhances the surrounding community.” Clearly growth is intended to also protect neighboring properties and not simply be focused on maximum density.

Under policy 6.5 “encourage compact development with adequate green space ...between developments which provide residents with a high quality of life”, the same goal is also clear.

Policy 5.9 to “continue to enhance the vitality of the Route 40 Corridor “, by refining TNC transition harmony to adjacent property, by requiring placement of the finer aspects of TNC development such as amenities and enhancements adjacent to residential properties by allowing flexibility on higher density further from these neighbors, is all in keeping with these policies.

## **Response to Sections 6 and 7**

The proposed amendments to the TNC zoning regulations provided herein are in harmony with and will promote the legislative intent of the zoning regulations as set forth in Section 100A. Specifically, the proposed regulations will benefit the public by preserving and promoting the health, safety and welfare of the community. Requiring renovated existing commercial space to adhere to TNC building requirements enhances the community and neighborhood and encourages updated greener buildings.

The flexibility granted by these amendments with requirements to protect adjacent residential properties promotes the welfare of the community and public benefit of retaining quality of life and not solely accommodating maximum density.

These amendments adhere to the Route 40 Design Manual’s public service goals of complementing nearby residential communities pg.6, and establishing appropriate transitions between..land uses...and ... commercial centers and adjacent residential communities, pg.6.

The public safety is actually very much increased by these amendments, because they do not allow alleys and utilities and dumpsters only 30 feet from residential properties. This is in direct compliance with the Route 40 Design Manual’s goal for natural surveillance which states that “for people to take action to defend property or to prevent crime, they must be able to see illegal activity taking place.” Pg. 7. Setback

Petitioner's Proposed Text

**SECTION 127.6: TNC (TRADITIONAL NEIGHBORHOOD CENTER) OVERLAY DISTRICT**

.....

**E. BULK REGULATIONS**

(Also see Section 128.a, Supplementary Bulk Regulations)

1. Minimum parcel size 2 acres
2. Residential density, maximum
  - a. Parcel adjacent to Route 40 ..... 20 units per net acre
  - b. PARCEL ADJACENT TO ROUTE 40 WHICH ABUTS R-ED, R-20, R-15, or R-SC  
..... 8 UNITS PER NET ACRE
  - C. Parcel adjacent to Frederick road..... 8 units per net acre
3. Maximum height limitations
  - a. Parcel adjacent to Route 40 ..... 55 feet
  - B. PARCELS ADJACENT TO ROUTE 40 ON SITES WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT ENCOMPASSING AT LEAST 20 GROSS ACRES OF LAND IN THE TNC DISTRICT, THE MAXIMUM HEIGHT LIMIT FOR STRUCTURES CAN INCREASE AN ADDITIONAL 1 FOOT IN HEIGHT FOR EVERY 2 FEET OF ADDITIONAL SETBACK ABOVE THE MINIMUM SETBACK TO A MAXIMUM OF HEIGHT OF .. 65 FEET  
THE ABOVE INCREASE IN HEIGHT MAXIMUM ONLY APPLIES TO STRUCTURES THAT ARE NOT ADJACENT TO R-ED, R-20, R-15, OR R-SC.
  - C. Parcel adjacent to Frederick Road ..... 35 feet
4. Maximum building height ..... 25 feet
5. Minimum structure or use setback from Route 40 right-of-way..... 20 feet
6. Minimum setbacks from other public street right-of-way
  - a. Principal structures and amenity areas..... 0 feet
  - b. All other structures and uses..... 20 feet
7. Minimum structure and use setbacks from residential R-ED, R-20, R-12 or R-SC districts
  - a. Parcel adjacent to Route 40.....[100] 150 feet

On a lot adjoining the right-of-way of an arterial or collector public street, for ALL the buildings [~~closest to the arterial or collector public street~~] IN THE TNC PARCEL:

- a. At least 50% of the first floor of the building must be designed for retail or service uses. Service uses include personal service, service agency, restaurants, and similar uses serving the public.
- b. The first floor of the building facing the right-of-way must include storefronts and entrances for the first floor retail and service uses.
- c. The first floor façade shall be designed to provide pedestrian interest along sides of buildings that face the street in accordance with the Route 40 Manual.

D. ALL BUILDINGS IN THE ENTIRE TNC PARCEL MUST ADHERE TO THE TNC BUILDING REQUIREMENTS IN THE ROUTE 40 DESIGN MANUAL. IF THERE ARE NEW BUILDING, THEY WILL ADHERE TO THE BUILDING REQUIREMENTS. IF EXISTING BUILDINGS ARE USED IN THE REQUIRED COMMERCIAL TO RESIDENTIAL RATIO THEN THOSE EXISTING BUILDINGS MUST BE RENOVATED TO FULLY ADHERE TO THE TNC BUILDING REQUIREMENTS IN THE ROUTE 40 DESIGN MANUAL.

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